

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

NICOLE SWANGER,

Plaintiff,

v.

MARTIN O'MALLEY,¹
Commissioner of Social Security,

Defendant.

No. 3:23-CV-01730

(Chief Judge Brann)

(Magistrate Judge Carlson)

ORDER

SEPTEMBER 27, 2024

Nicole Swanger filed this action seeking review of a decision by the Commissioner of Social Security (“Commissioner”) denying Swanger’s claim for disability insurance benefits.² On September 5, 2024, Magistrate Judge Martin C. Carlson issued a Report and Recommendation recommending that this Court vacate the Commissioner’s decision, remand this matter for further proceedings, and close this case.³ No timely objections were filed to this Report and Recommendation.

¹ Pursuant to Federal Rule of Civil Procedure 25(d), Martin O’Malley, as the successor officer to Kilolo Kijakazi, Acting Commissioner of Social Security, is automatically substituted as Defendant in this action.

² Docs. 1, 11.

³ Doc. 19.

Where no objection is made to a report and recommendation, this Court will review the recommendation only for clear error.⁴ Regardless of whether timely objections are made, district courts may accept, reject, or modify—in whole or in part—the findings or recommendations made by the magistrate judge.⁵ Upon review of the record, the Court finds no error—clear or otherwise—in Magistrate Judge Carlson’s conclusion that the Commissioner’s decision is not supported by substantial evidence. Consequently, **IT IS HEREBY ORDERED** that:

1. Magistrate Judge Martin C. Carlson’s Report and Recommendation (Doc. 19) is **ADOPTED**;
2. The Commissioner’s decision is **VACATED**, and this matter is **REMANDED** for further proceedings consistent with this Order and Magistrate Judge Carlson’s Report and Recommendation;
3. Final Judgment is entered in favor of Plaintiff and against Defendant pursuant to Fed. R. Civ. P. 58 and sentence four of 42 U.S.C. § 405(g);
4. The Clerk of Court is directed to **CLOSE** this case.

BY THE COURT:

s/ Matthew W. Brann

Matthew W. Brann

Chief United States District Judge

⁴ Fed. R. Civ. P. 72(b), advisory committee notes; *see Henderson v. Carlson*, 812 F.2d 874, 878 (3d Cir. 1987) (explaining that court should in some manner review recommendations regardless of whether objections were filed).

⁵ 28 U.S.C. § 636(b)(1); Local Rule 72.31.